

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
UNITED STATES OF AMERICA :

-against- :

19 Crim. 366 (LGS)

ORDER

STEPHEN M. CALK, :

Defendant. :

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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on January 26, 2021, the Court issued an Order scheduling the trial in this matter to begin on June 28, 2021, (Dkt. No. 159), and on March 2, 2021, the Court issued an Order rescheduling the trial to begin on June 22, 2021, (Dkt. No. 174).

WHEREAS, except for Defendant's motion *in limine* pertaining to evidence obtained through grand jury proceedings, the parties' deadline to file any motions *in limine* was October 23, 2020, (Dkt. No. 93), with responses due on November 13, 2020, (Dkt. No. 120), and the Court issued a ruling on the parties' motions *in limine* on January 26, 2021, (Dkt. No. 159).

WHEREAS, the week of April 7, 2021, the Court was informed that the Government intended to file a motion pursuant to the Classified Information Procedures Act ("CIPA"), to rely at trial on information designated "Secret."


WHEREAS, on May 25, 2021, the Court was informed that the Government intends to rely at trial on information designated "Top Secret." It is hereby

ORDERED that a conference with the parties and Officer Daniel Hartenstine will be held on May 27, 2021, at 12:00 p.m., to discuss unclassified matters related to the Government's anticipated motion. The conference will be telephonic and will occur on the following conference line: 888-363-4749, access code: 5583333. The Government should be prepared to explain (1) how they propose to present classified information to jurors who presumably do not have clearance to view classified information; (2) what constraints there are for the storage and presentation of Secret and Top Secret evidence respectively; (3) what showing the Government must make to deny public access to portions

of the trial revealing classified information; (4) whether defense counsel and Defendant have clearance to review such material; (5) when disclosure of the documents will be made to the defense; (6) whether sufficient court reporters have clearance to record trial proceedings reflecting classified information; (7) the volume of Secret and Top Secret documents respectively that the Government intends to offer into evidence; and (8) why the Government did not notify the Court that they intend to rely on Top Secret material until now. The conference is a public proceeding. Accordingly, the substance of any classified information will not be discussed. It is hereby

ORDERED that, by **May 26, at 9:00 p.m.**, defense counsel shall file a letter stating whether Defendant consents to proceed telephonically.

Dated: May 26, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE